

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By **CHAIRMAN CINDY YOUNKIN**, on January 17, 2001 at 3:00 P.M., in Room 152 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Cindy Younkin, Chairman (R)  
Rep. Rick Dale, Vice Chairman (R)  
Rep. Gail Gutsche, Vice Chairman (D)  
Rep. Keith Bales (R)  
Rep. Dee Brown (R)  
Rep. Gilda Clancy (R)  
Rep. Aubyn A. Curtiss (R)  
Rep. Larry Cyr (D)  
Rep. Bill Eggers (D)  
Rep. Ron Erickson (D)  
Rep. Christopher Harris (D)  
Rep. Linda Holden (R)  
Rep. Joan Hurdle (D)  
Rep. Rick Laible (R)  
Rep. Jeff Laszloffy (R)  
Rep. Douglas Mood (R)  
Rep. Bob Story (R)  
Rep. Brett Tramelli (D)  
Rep. David Wanzenried (D)

**Members Excused:** Rep. Rod Bitney (R)

**Members Absent:** None.

**Staff Present:** Holly Jordan, Committee Secretary  
Larry Mitchell, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 118, 1/17/2001  
Executive Action: HB 93; HB 82; HB 22; HB 92

**HEARING ON HB 118**

**Sponsor:** REP. GILDA CLANCY, HD 51, Helena

**Proponents:** Art Compton, DEQ  
Riley Johnson, National Federation of Independent  
Business, (NFIB)

**Opponents:** None.

**Opening Statement by Sponsor:**

*{Tape : 1; Side : A; Approx. Time Counter : 0.2}*

REP. GILDA CLANCY, HD 51, Helena, summarized the bill. REP. CLANCY presented an amendment to the bill **EXHIBIT**(nah13a01).

**Proponents' Testimony:**

*{Tape : 1; Side : A; Approx. Time Counter : 3.1}*

Art Compton, Planning Division, DEQ, stated the planning division is the non-regulatory arm of the DEQ that specializes in financial assistance to small communities through the SRF programs and other technical outreach. When the state natural resource agencies were reorganized back in 1995, the advocate for small businesses moved to DEQ from the Department of Health and Environmental Sciences. The DEQ placed small business advocate position in the planning division. This bill seeks to authorize that position being housed in the DEQ away from the regulatory arms of the agency. It will authorize what we already did in 1995 in bringing that position over to the department. The department also supports **REP. CLANCY's** amendment to HB 118. He asked the committee for a do pass.

Riley Johnson, NFIB, stated that NFIB is the largest small business organization in the state of Montana. Nationally NFIB has over 600,000 members, in Montana there are nearly 8,000 members. He stated NFIB rises in support of HB 118. He spoke about OSHA and the reasons small businesses support this bill. He also stated that NFIB strongly supports the amendments.

**Opponents' Testimony:** None.

**Questions from Committee Members and Responses:**

*{Tape : 1; Side : A; Approx. Time Counter : 10.7}*

**REP. ERICKSON** asked **Mr. Compton**, what the statement imminent danger, in the amendment, means. **Mr. Compton** stated there is a line between compliance assistance and enforcement and the reorganization in 1995 created a separate arm at DEQ called the enforcement division because they felt compliance activities fell on the other side of the line from enforcement. Some organizations cross that line. The wording in the amendment is intended to require that if information brings to light an activity that violates a statute and constitutes that eminent danger to public health or the environment, that information actually will cross the hall and may form the basis of an enforcement action. Followup - **REP. ERICKSON** stated that he is concerned on how it is that the department finds this eminent danger, he asked for an example of when they would let the public know about it. **Mr. Compton** stated that, on the environmental side, he would draw an analogy between eminent danger and significant adverse impact. That would be something on the line of affecting a threatened or endangered species, etc. He then referred the question to **Don Badrine** to give an example on the public health side. **Mr. Badrine** referred the question to **David Klemp**, who responded with the analogy where someone was violating the ambient air quality standards that have been put in place to protect human health as well as the environment. Followup - is it the case that in all the communities that you have there is good enough monitoring to know whether an ambient air standard has been met? Would you be confident to wait until there is a measurement on ambient air to be able to say yes, at this stage, I could let somebody know about it? **Mr. Klemp** answered, probably not, we do not have monitors in every neighborhood, in every community but what we do have is quite a bit of experience in implementing the requirements of the clean air act and considerable knowledge of risk assessment and what probably constitutes an eminent danger. I don't believe that we would ever wait to see a monitored violation before we ever acted to rectify a problem that would be an eminent danger to human health.

**REP. STORY** asked **Mr. Klemp**, is your job compliance or regulation. **Mr. Klemp** stated it is ensuring compliance with regulation. **REP. STORY** then asked **Mr. Klemp** to explain to the committee the difference between the job of a person who works in permitting in compliance and the job of a person who works on the regulatory side. **Mr. Klemp** stated that in his program they issue permits to comply with all of the applicable standards that are out there, all of the regulatory requirements. Any non-compliance are handed over to the enforcement division for a pending enforcement action. Followup - so your job is helping people get permitted and then educating them on how to stay in compliance? Yes. Followup - so with regards in burning railroad ties, if you go to

a business and they have a stove that they heat their facility with and a pile of railroad ties laying beside it, you are probably going to tell them that they shouldn't be burning railroad ties because they will be out of compliance? Is that something that you would do at the compliance and permitting office? Yes, to the extent that we have the ability to regulate that. We cannot regulate recreational burning of the railroad ties.

**REP. STORY** asked **Mr. Compton** has the department been violating the law for the past six years? **Mr. Compton** stated yes. Followup - why is it that two legislatures have passed before we found this, was it picked up in an audit? That is exactly right.

**REP. LASZLOFFY** asked **Mr. Compton** if he is an advocate for small business before the department. **Mr. Compton** stated that he is not personally, there is an individual on staff that performs a significant amount of outreach so that small businesses know that he/she is there to help with compliance assistance. Followup - in other agencies where we have something similar to this there is a element of trust that's involved, is that the reason that the original code did not allow this position to be in the department? That is exactly correct, the concern was that there was no prohibition from it being located at DEQ, there was a prohibition from locating it in a regulatory agency. Followup - what does DEQ stand for? Department of Environmental Quality. Ok, then in the code where it says that it shall not be located in the department, why do you think that doesn't mean the agency itself? **Mr. Compton** stated that it is his understanding that the original code provided that it be located at the Department of Commerce following the reorganization. **REP. LASZLOFFY** then asked where that is where he should be? **Mr. Compton** stated that is one of the means of reconciling the fact that DEQ was not in compliance with the law. It was decided to put this position in the planning division where the other financial and technical assistance programs were.

**REP. HARRIS** asked **Mr. Compton** about the last two lines of the amendment stating this language is quite similar to language in the Federal Superfund Law and the Federal Hazardous Waste Law but the words and substantial have been left out. Would you concur that eminent is a time related concept as opposed to a quantity concept? **Mr. Compton** stated that he would.

**Closing by Sponsor:**

***{Tape : 1; Side : A; Approx. Time Counter : 31}***

REP. CLANCY stated that this is a good bill, with the amendment, and recommended a do pass.

**EXECUTIVE ACTION ON HB 22**

***{Tape : 1; Side : A; Approx. Time Counter : 31.6}***

**Motion:** REP. GUTSCHE moved that HB 22 DO PASS.

**Discussion:**

REP. BROWN stated that she believes that HB 22 helps Montana landowners remain the stewards of their own land. She stated that she likes the bill.

REP. HURDLE stated that HB 22 is such a good bill that the committee may want to consider making it immediately effective rather than waiting until October 1, 2001.

**Motion:** REP. HURDLE moved HB 22 BE AMENDED TO BE EFFECTIVE UPON PASSAGE AND APPROVAL.

**Discussion:**

REP. STORY asked Larry Mitchell if it is proper to add that into the title of the bill or will it create a problem? Mr. Mitchell stated that he believes they can, he doesn't believe that changes the bill substantively.

REP. DALE asked Mr. Mitchell is there anyway we could, by implementing this sooner than the bill allows, impose on some transitionary period that has been allowed for in the preparation of this? Mr. Mitchell stated that he does not believe that this statute does not have rule making authority so it wouldn't be problematic. Some ongoing condemnation processes may be affected by this. You may want to add a savings clause to the end of the bill that would allow for rights and duties and obligations already under way to continue.

**Substitute Motion:** REP. DALE made a substitute motion to ADD A SUBSTITUTE AMENDMENT ADDING A SAVINGS CLAUSE AS WELL AS EFFECTIVE DATE.

**Discussion:**

REP. HARRIS stated that he would be in favor of REP. HURDLE's amendment but there may be a danger of having this law becoming

effective right in the middle of an ongoing condemnation proceeding.

**REP. STORY** stated that he agrees.

**Vote:** Motion that **AMENDMENTS FOR HB 22 DO PASS** carried unanimously.

**Motion:** **REP. GUTSCHE** moved that **HB 22 DO PASS AS AMENDED**.

**Discussion:**

**REP. STORY** stated that landowners need to be aware that taxes may increase on their property when they have an easement.

**Vote:** Motion that **HB 22 DO PASS AS AMENDED** carried unanimously.

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**EXECUTIVE ACTION ON HB 93**

*{Tape : 1; Side : A; Approx. Time Counter : 41.5}*

**Motion:** **REP. DALE** moved that **HB 93 DO PASS**.

**Discussion:**

**REP. YOUNKIN** asked about the proposed amendments. **Larry Mitchell** explained that the amendments have been consolidated into one amendment **EXHIBIT (nah13a02)**.

**Motion:** **REP. GUTSCHE** moved the **AMENDMENT**.

**Discussion:**

**REP. GUTSCHE** explained the amendment. She stated that the amendment would change the order of how things happen because the court shouldn't be determining damages prior to the commission hearing. This amendment would switch those two things around, the court would look at damages after the hearing.

**Mr. Mitchell** stated that is accurate. He further explained the amendment.

**REP. STORY** asked if this is the only amendment to the bill because he heard discussion that there may be an amendment regarding the condemnee providing a condemnor with a list of appropriate measures that they want done. My question is what happens after that? It is not required that the list be used for anything. I don't believe this amendment addresses that.

**REP. YOUNKIN** agreed that the amendment does not address that issue.

**Vote:** Motion that **AMENDMENT FOR HB 93 DO PASS** carried unanimously.

**Motion:** **REP. GUTSCHE** moved that **HB 93 DO PASS AS AMENDED**.

**Discussion:**

**REP. LAIBLE** would like to address **REP. STORY's** concerns. Maybe we should see about typing that up so that when the parties come together something does take place. Can we postpone this until we can get the appropriate language?

**REP. STORY** stated that his question is if there was any discussion of that concern during the committee hearing and is his concern legitimate?

**REP. YOUNKIN** stated that she does not recall that issue being brought up during the hearing.

**REP. HARRIS** stated that it is addressed on page 2 of the amendment in (e) which says, "Through examination of the property, the commissioners shall determine the appropriate payment for damages to the property taken, as well as to any remaining parcel of property that may be adversely impacted by the project, to assist the court in making a final determination." Isn't that the commissioners' job, to assess the damage, based on whatever reports the condemnor and condemnee come up with.

**REP. YOUNKIN** stated it probably is but **REP. STORY** is referring to before you ever get to the point of having commissioners, before you ever file a condemnation action, the provision of (2) that start on line 28 on page 1 say the condemnee may provide to the condemnor a claim of appropriate measures considered necessary to minimize the damages. **REP. STORY**, are you contemplating that there be something added to this to require that the condemnor consider those in some way? **REP. STORY** stated no, I don't know how broad the court's ability is to look at things that went on during the negotiation process. I thought there had been some discussion that somehow this agreement would be turned over either to the court or a committee, at least as an exhibit that they would take into account. It is my understanding that the way the law presently works all of that stuff is really not admissible as evidence.

**REP. CURTISS** asked the attorneys on the committee if they could add on page 1, line 29 that this information be provided to the commission as well as to the condemnor. **REP. YOUNKIN** stated typically what this contemplates a negotiation period where the condemnor and the condemnee are discussing this condemnation and trying to negotiate it and generally what goes on in settlement discussions is prohibited from going into the record once you get into court. If all of that stuff gets into court it tends to have a chilling effect on people being willing to sit down and have candid discussions about negotiations prior to the time that they go to court. I would be hesitant to require that the information be given to the commissioner.

**REP. HARRIS** stated that he has no problems with the bill as it is structured.

**REP. LAIBLE** asked **REP. YOUNKIN** to explain what she means as to why this would have a "chilling effect" on the committee. **REP. YOUNKIN** stated generally, whether you are talking about a condemnation or a tort action or any other kind of lawsuit, if the parties have, prior to litigation, gotten together to discuss settlement, that offer of settlement is not admissible in court. If the parties know that all of the negotiations are going to go to court they are not going to make any offers because by the time they get to court their costs could be much higher.

**REP. HARRIS** stated she is exactly right.

**REP. STORY** stated that he agrees with the assessments; so does (2) make sense, was it inserted in the law for clarification purposes or is it there to make people think that it is something that it is actually not.

**REP. HARRIS** stated he thinks it's because this condemnation proceeding is now really taking in the question of damages so, in the interest of spelling things out, perhaps this is a bit more than necessary. I don't think that there is any harm in it.

**REP. GUTSCHE** asked **Krista Lee**, the staffer from the EQC who worked on eminent domain, to offer some explanation. **REP. YOUNKIN** asked **Ms. Lee** about the language on page 1, line 28, why is it included in the bill? She answered that it offers the opportunity of the condemnee to submit, what they feel, are appropriate damage reduction measures. That ties into page 2, line 17, the statement of the condemnor's claim of appropriate payment. So, first the condemnee submits to the condemnor what they think are the damage reduction measures that should be done. So, the offer is what the condemnor feels is an appropriate payment to address what the condemnee submitted to them. Without



the part on the bottom of page then the condemnee does not have the opportunity to submit what they feel are appropriate damage reduction measures.

**REP. CLANCY** stated she does not feel comfortable amending much more of the bill and called for the question.

**Vote:** Motion that **HB 93 DO PASS AS AMENDED** carried unanimously.

**EXECUTIVE ACTION ON HB 40**

***{Tape : 1; Side : A; Approx. Time Counter : 61.7}***

**REP. YOUNKIN** asked **REP. LASZLOFFY** if HB 40 was ready for executive action. **REP. LASZLOFFY** stated that, due to a disagreement on the amendment, the bill is not ready for executive action.

**EXECUTIVE ACTION ON HB 82**

***{Tape : 1; Side : B; Approx. Time Counter : 0.1}***

**Motion:** **REP. BROWN** moved that **HB 82 DO PASS**.

**Discussion:**

**REP. BROWN** stated it is the duty of the legislators, in following the Constitution of the State of Montana, to ensure that we make the most money possible on school trust land. Even though I agree with this bill, I believe that we have to allow the fees for everyone.

**REP. YOUNKIN** concurred, it is the obligation of this body, as a whole, to secure as much as possible off of school trust lands. These are not regular public lands, these are school trust lands whose purpose is to secure as much income as possible off of those lands for purposes of funding the schools.

**REP. HARRIS** stated that he agrees and if we were to pass this you can be sure that there would be a lawsuit filed which would prevail.

**REP. GUTSCHE** stated that there has been a bill on this issue every session since 1991 and none of them have passed. There are several constitutional challenges to the bill. I will not support this bill.

**REP. STORY** requested that someone move to table the bill.

**Motion/Vote:** REP. LAIBLE moved that HB 82 BE TABLED. Motion carried unanimously.

**EXECUTIVE ACTION ON HB 92**

*{Tape : 1; Side : B; Approx. Time Counter : 4.5}*

**Motion:** REP. GUTSCHE moved that HB 92 DO PASS.

**Discussion:**

REP. STORY passed out proposed amendments for HB 92  
**EXHIBIT** (nah13a03) .

**Motion:** REP. STORY moved the **AMENDMENTS FOR HB 92.**

**Discussion:**

REP. STORY went over the amendments. Number 2 is an additional concept to the bill which limits any entity to one grant of \$50,000 in a fiscal year. Number 3 just takes out the requirement that the grant be made to the planning board because planning boards are not local government. Number 4 states that any grants must be given priority to those communities wishing to develop growth policies over implementation activities. Number 5 is a sunset stating that the legislature does not fund the \$100,000 a biennium.

REP. HURDLE stated that all of the amendments are good and needed except for number 4. The problem is that so much time and money has been spent on making growth policies that just sit and gather dust and they need to be implemented. She would like to amend the "or" throughout the bill to state "and", example, "growth plan and implementation". REP. HURDLE requested that the committee segregate number 4 and vote on it separately.

REP. LAIBLE stated that number 4 doesn't say that we're not going to do the implementation, it just says that the development of the program is going to take priority over that. He stated that he would like to see concentration put on the efforts to getting growth plans in place before we worry about funding for implementation.

REP. ERICKSON stated that he supports REP. HURDLE's idea.

REP. YOUNKIN stated that she considers REP. HURDLE's motion to segregate as a substitution motion and we will vote on 1, 2, 3 & 5 and then we will vote on 4 separately.

**REP. LAIBLE** gave an example of funding a plan and then an implementation. You have to do them in order.

**REP. HURDLE** stated that her position is that we are artificially separating the plan and the implementation and the law doesn't separate them it includes implementation in the growth plan.

**REP. LASZLOFFY** stated that he believes what she is referring to is policy not implementation.

**REP. HURDLE** stated that the policy says that there has to be a description of the regulations and other measures to be implemented.

**REP. LASZLOFFY** stated that "to be implemented" means we are not talking about implementation, we are talking about policy. Maybe we're just reading it two different ways.

**REP. HURDLE** stated it says a growth policy may describe the zoning regulations that will be implemented. How can you segregate it and say we are only going to go this far and then we are going to stop?

**REP. CURTISS** stated that the counties have the resources to accommodate a growth policy and probably already have one, their the ones that are on the shelf. This would give money to counties that most need it to get started.

**REP. LAIBLE** stated that what **REP. HURDLE** is reading actually says is that this is part of the growth policy, in that policy we will identify how these policies are going to be implemented. It is not saying that these are the implementations, it's a separate issue. In response to **REP. CURTISS** regarding these plans that are on the shelf, they are more than likely not the result of lack of funds but lack of reasons to use them.

**REP. STORY** stated that it takes a lot of effort to develop a growth policy, it is a long, drawn out process, you can't force the implementation of it.

**REP. ERICKSON** stated that with the amendment the bill gives one form of criteria for growth policies and implementation. He stated that he worries that maybe we should be giving some further criteria, in particular, a criteria stating that the grants we give first should be for those areas where there is really rapid growth.

**REP. CLANCY** called for the question.

**Vote:** Motion that **AMENDMENTS 1, 2, 3 & 5 FOR HB 92 DO PASS** carried unanimously.

**Vote:** Motion carried 11-8 with Cyr, Eggers, Erickson, Gutsche, Harris, Hurdle, Tramelli, and Wanzenried voting no.

**Motion:** REP. GUTSCHE moved that **HB 92 DO PASS AS AMENDED.**

**Discussion:**

REP. WANZENRIED asked REP. STORY to clarify amendment number 3 and what is intended to do. REP. STORY answered, the purpose of amendment number 3 is to define what governments are eligible to apply for the grants. He stated that it was his concern that planning boards aren't governments, they're just an appointed committee. So, they don't have a mechanism for doing a grant, the grants have to come through one of those governmental organizations. Followup - let's say that a county has a city/county planning board, who applies for the grant, the county or the city? REP. STORY stated that it depends on the city or county. Followup - who decides to make the application, does the board recommend to both governing bodies and they agree or does the planning board have the authority to instruct the local entity that's going to receive the money to apply? REP. STORY stated it would be whoever has the administrative function for that planning board.

REP. LASZLOFFY asked REP. MOOD to explain definition for severe economic hardship. He stated that there is not a definition.

**Vote:** Motion carried 18-2 with Hurdle and Wanzenried voting no.

**EXECUTIVE ACTION ON HB 166**

*{Tape : 1; Side : B; Approx. Time Counter : 33.2}*

**Motion:** REP. ERICKSON moved that **HB 166 DO PASS.**

**Motion:** REP. ERICKSON moved that **AMENDMENTS FOR HB 166 DO PASS.**

**Discussion:**

REP. ERICKSON stated that this is a fine bill made better by the amendments **EXHIBIT (nah13a04)**. He then explained the amendments.

REP. HARRIS asked if, regarding the first portion of the amendment, would that have to be a state agency, what would be

wrong with the county? Could that be another friendly amendment?

**REP. ERICKSON** stated that he would prefer that these easements be most held by those private, nonprofit organizations, or a land trust. He stated that he would be queasy with the state or county agencies as there is a certain kind of expertise that's needed in order to make sure that the wetland stays a wetland. These three amendments say that wetlands ought to remain wetlands, there is an environmental concern out there, and that property rights are property rights and we ought to be able to hold onto them at the same time. He then deferred the question to **REP. LEE**. **REP. HARRIS** expanded his question asking if it would be a friendly amendment if we added county and federal agency to your list of qualified easement holders? **REP. LEE** stated that she does not view the easements going to the county or federal government as friendly and is not comfortable with that. **REP. HARRIS** stated that he can imagine quite a few federal agencies that would be quite qualified as conservation easement holders.

**REP. LAIBLE** stated that he is concerned that there is no need for the second amendment because we are just limiting what the Dept. of Transportation is going to try to do. What happens in the instance of a county which owns a piece of property that has a stream running through it which would be perfect to convert and to mitigate into a wetland but we can't do it because we've eliminated it. I think we are just putting another hurdle in front of the Department so that they can't go ahead. We've limited who can hold a conservation easement.

**REP. BALES** had a question about (iii) in the amendment which was could the original access agreement only apply to the original land owner? If a landowner signed an agreement and subsequently sold the property to another landowner, that subsequent landowner should have the same rights that the previous owner had.

**REP. STORY** stated that he has the same concern that **REP. BALES** has. He then asked **REP. ERICKSON** how these conservation easements are managed by the holders. Does the same person hold the land and the conservation easement? How does this all work? Who is liable for maintaining the conservation easement? **REP. ERICKSON** gave an example stating that the landowner must hold to the conditions of having the conservation easement. The conditions include that the conservation group has the right to come on that land yearly to make sure that all of the conditions in that easement are being held to. We can try to find some language to satisfy those questions. Followup - assume the easement says that you cannot cut the trees and then you go in

and log it off, what happens? **REP. ERICKSON** stated that he didn't know.

**REP. HARRIS** answered that the holder of the conservation easement has a cause of action against the party that they are in contract with so it could be for damages or for an injunction.

**REP. LASZLOFFY** asked **REP. STORY** to clarify if this is an easement or just a set of covenants on a piece of ground. **REP. STORY** stated that it is a comparable idea, that's what happens, it's a piece of land that you have to maintain under certain conditions. Followup - who pays the taxes on this type of an easement? **REP. STORY** stated that depends on who owns them. Presently the Department of Transportation owns them so they are not on the tax rolls. If they transfer them back to a private owner then the taxes go back on the tax rolls. If they go to a nonprofit organization I would assume there would probably not be any property taxes. Followup - my concern is that a large number of properties are being taken from private ownership and, since wetlands really have no commercial value, the people who are going to want to buy these are conservation groups. I see this as an inexpensive way for that to happen and I also see large numbers of properties moving off the tax rolls and I have a problem with that. **REP. STORY** stated that is a policy issue but I can't say if it is right or wrong.

**REP. LAIBLE** clarified that conservation easements have to be an agreement of both parties. A landowner has to agree to letting the Department of Transportation take a piece of their land. They then negotiate the terms of the conservation easement. He gave an example of a piece of land that he owned and the negotiations he went through. It can be a really good thing for a landowner to stop land development on a piece of land.

**REP. LASZLOFFY** asked **REP. LAIBLE** if he still pays taxes on that land. He responded that you do but you pay them at a much reduced rate than what the true economic value is because you will never be able to develop that land. That tax rate is negotiated at the time of the conservation easement.

**REP. ERICKSON** stated there is a federal law that says no net loss of wetlands when you're going to do a federal action. If you put in a bridge or highway there is a net loss so the department has to find a way to find some more wetlands. It is a willing-buyer/willing-seller situation. Does the Department of Transportation have the ability to go ahead and make sure that the original idea with the feds, no net loss of wetlands, is going to go on in perpetuity. Conservation easement holders know how to do that. The land has already gone off the tax rolls,

what this will allow is the possibility for it to go back on the tax rolls. That may not happen all of the time. The amendment helps the landowner as they should have the right to buy back the property. I hope we keep our eyes on why we started down this road in the first place with this bill. If there is still a bit of language to be changed lets go for it.

**REP. YOUNKIN** gave a substitute amendment **EXHIBIT(nah13a05)**.

**REP. BALES** stated that he was working on something similar and gave his substitute amendment **EXHIBIT(nah13a06)**.

*{Tape : 2; Side : A; Approx. Time Counter : 0.1}*

**REP. STORY** stated that he thinks there is a problem with the substitute amendment because you need to have that tied back to the original. Actually you need to deal with the owner of the easement.

**REP. WANZENRIED** stated that it seems there are a number of ideas floating around here and he would prefer, because of the importance of this, that we do not take action on this today and figure out some language to address all of these concerns.

**Motion:** **REP. WANZENRIED** moved to not take action on this matter today and let a bill drafter come up with some language to satisfy the questions.

**REP. ERICKSON** stated that he likes that suggestion and we should have a bill drafter come up with some language.

**REP. STORY** stated that the bill drafter should confer with the department regarding the concern about federal requirements about who holds the easement on that type of thing.

**REP. ERICKSON** asked **REP. LEE** if these concerns are working with her original intent of the bill. **REP. LEE** stated that they are following along with the intent.

**REP. YOUNKIN** stated that action on this will be postponed and if anyone has any input on this to share their ideas with **Larry Mitchell**.

*{Tape : 2; Side : A; Approx. Time Counter : 4.8}*

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**ADJOURNMENT**

Adjournment: 5:13 P.M.

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REP. CINDY YOUNKIN, Chairman

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HOLLY JORDAN, Secretary

CY/HJ

**EXHIBIT (nah13aad)**